

REMARKS

Claims 26-29, 31, 34, 35, 39, 41, 42, 45, 52-55, 58-60, and 63-65 are pending in the subject application. Claims 26, 28, and 29 have been amended and claims 93-112 have been added. Applicants submit that the amendments herein introduce no new matter, support therefore being found throughout the application and drawings as originally filed (e.g. see the present published application US 2005/0260107 at [0056], [0099]-[0108]; [0122] and the Figures).

The Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration based on the amendments and the following remarks.

1. 35 U.S.C. §102 Rejections

Claims 26-29, 31, 34, 52-53, 58-60, and 63-65 are rejected under 35 U.S.C. §102(b) over Jackson (US 5,213,619). Applicants respectfully traverse.

The Office asserts that Jackson describes contacting a substrate with "a carbon dioxide dense fluid mixed with hydrogen peroxide under radiation (components of percarbonic acid)(Column 5, lines 19-22 and Column 9, lines 31-62)."

Without acquiescing to the grounds for the rejection, independent claims 26, 28, and 29 have been amended to further define and clarify that the present methods utilize a substantially non-aqueous fluid of percarbonic acid. This is significant and is in contrast to the cited Jackson reference.

Jackson describes a process wherein a dense fluid is combined with certain admixtures or modifiers, and these hydrated solutions are used to clean and sterilize. The dense fluid can, for example, comprise dense phase carbon dioxide. In some cases, the admixtures include hydrogen peroxide. However, nowhere does Jackson

teach or suggest the formation of or use of a substantially non-aqueous fluid of percarbonic acid.

Thus, claims 26, 28, and 29, and all claims dependent therefrom, are patentable over Jackson. Reconsideration and withdrawal of the rejection is respectfully requested.

Applicants further submit that new claim 95 is also patentable over Jackson. Applicants recite in claim 95 a method of cleaning a substrate, disinfecting a substrate, and/or sterilizing a substrate by forming a fluid comprising percarbonic acid in an external vessel and thereafter contacting the substrate with the thus formed fluid comprising percarbonic acid under conditions conducive to removing contaminants from the substrate, disinfecting, and/or sterilizing the substrate.

Nowhere does Jackson teach or suggest a method wherein a fluid comprising percarbonic acid is first formed in an external vessel followed by contacting a substrate with the thus formed fluid to clean, disinfect, and/or sterilize the substrate.

Thus, claim 95, and all claims dependent therefrom, are patentable over Jackson.

2. 35 U.S.C. §103 Rejections

Jackson and Caputo

Claim 39 is rejected under 35 U.S.C. §103(a) over Jackson and Caputo (US 5,244,629). Applicants respectfully traverse.

As set out above, Jackson at least does not teach or suggest a method for cleaning, disinfecting, or sterilizing a substrate by contacting the substrate with a substantially non-aqueous fluid of percarbonic acid.

Caputo is cited for allegedly describing a sterilizing process that uses a UV irradiated and weakly ionized plasma. However, Caputo does not remedy the above-noted deficiencies in Jackson.

Thus, claims 26, 28, 29, and all claims dependent therefrom, are patentable over Jackson and Caputo. Reconsideration and withdrawal of the rejection is respectfully requested.

Jackson and Chao

Claims 41-42, 45, and 54-55 are rejected under 35 U.S.C. §103(a) over Jackson and Chao (US 5,996,155). Applicants respectfully traverse.

As set out above, Jackson at least does not teach or suggest a method for cleaning, disinfecting, or sterilizing a substrate by contacting the substrate with a substantially non-aqueous fluid of percarbonic acid.

Chao is cited for allegedly describing sterilization within a chamber wherein a substrate is contacted with a liquid while being exposed to an ultraviolet radiation source. However, Chao does not remedy the above-noted deficiencies in Jackson.

Thus, claims 26, 28, and 29, and all claims dependent therefrom, are patentable over Jackson and Chao. Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested. If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

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Respectfully submitted,

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